

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**ARGONAUT GREAT CENTRAL INSURANCE COMPANY,**)  
Plaintiff )  
v )  
**McDOWELL COUNTY; DUDLEY GREENE,**)  
in his official capacity as Sheriff of McDowell )  
**County; JAMES BRANDON WATSON, in**)  
his official capacity as a Deputy with the )  
**McDowell County Sheriff's Office;**)  
**KIMBERLY D. FRYE and DAVID L. FRYE**)  
as Co-Administrators of the Estate of )  
**Kennedy Elizabeth Frye; KATHERINE**)  
**ELIZABETH FRYE; BRUCE A. ELMORE,**)  
**JR., as Guardian Ad Litem for Katherine**)  
**Elizabeth Frye, a minor; KIMBERLY D.**)  
**FRYE; DAVID L. FRYE; RUTH ANN**)  
**HUSKINS; and RONNIE HUSKINS,**)  
Defendants.)

THIS MATTER came before the court pursuant to the Order (#29) of the undersigned filed on February 18, 2009 ordering that a status conference be held in regard to the issues pending in this case. From the records in the cause and the statements and arguments of counsel for the plaintiff and counsel for the defendants, Kimberly D. Frye and David L. Frye as co-administrators of the estate of Kennedy Elizabeth Frye, Katherine Elizabeth Frye and Bruce A. Elmore, Jr. as guardian ad litem for Katherine Elizabeth Frye, a minor, and Kimberly D. Frye and David L. Frye, individually, and further counsel for Ruth Ann Huskins and Ronnie Huskins, the court sets the following requirements and deadlines:

1. That the defendants Kimberly D. Frye and David L. Frye and Kimberly D. Frye and David L. Frye as co-administrators of the estate of Kennedy Elizabeth Frye will file, on or before March 17, 2009, a stipulation that the defendants Kimberly D. Frye and David L. Frye, individually, and Kimberly D. Frye and David L. Frye as co-administrators of the estate of Kennedy Elizabeth Frye, have been served with copies of the summons and Complaint in this matter and any and all objections as to service or sufficiency of service of the Complaint in this case are waived by those defendants;

2. That the defendants Ruth Ann Huskins and Ronnie Huskins shall have up to and including March 27, 2009 to file any motions to dismiss they may have in regard to this matter. Should Ruth Ann Huskins and Ronnie Huskins fail to file any motions to dismiss such failure shall be considered as a waiver of any and all motions to dismiss that might be filed. The plaintiff shall have fourteen (14) days from the date of the filing of any such motion to file a response.

## **ORDER**

**IT IS, THEREFORE, ORDERED:**

1. That the defendants Kimberly D. Frye and David L. Frye and Kimberly D. Frye and David L. Frye as co-administrators of the estate of Kennedy Elizabeth Frye will file, on or before March 17, 2009, a stipulation that the defendants Kimberly D. Frye and David L. Frye, individually, and Kimberly D. Frye and David L. Frye as

co-administrators of the estate of Kennedy Elizabeth Frye, have been served with copies of the summons and Complaint in this matter and any and all objections as to service or sufficiency of service of the Complaint in this case are waived by those defendants;

2. That the defendants Ruth Ann Huskins and Ronnie Huskins shall have up to and including March 27, 2009 to file any motions to dismiss they may have in regard to this matter. Should Ruth Ann Huskins and Ronnie Huskins fail to file any motions to dismiss such failure shall be considered as a waiver of any and all motions to dismiss that might be filed. The plaintiff shall have fourteen (14) days from the date of the filing of any such motion to file a response.

Signed: March 18, 2009

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

